

USG response to OHCHR regarding the Defamation of Religions resolution

United States Government Response to the United Nations Office of the High Commissioner for Human Rights concerning Combating Defamation of Religions

We are writing in response to your letter dated June 10, 2009 referring to Human Rights Council resolution 10/22 of March 26, 2009 entitled “Combating Defamation of Religions,” which requests the High Commissioner to report on the implementation of the resolution to the Human Rights Council at its twelfth session. Resolution 10/22 was adopted by a splintered vote of 23 (in favor), 11 (against), and 12 abstentions.

As stated in its previous submissions to the United Nations, the United States does not believe the concept of “defamation of religions” is consistent with international human rights law. We believe the resolution seeks unacceptable limitations on speech and that such measures do not properly address the underlying concerns emphasized in the text. Our concerns and objections are well known. (See [Tab 1](#) and [Tab2](#).)

The United States understands the primary concern of the resolution to be the negative stereotyping of religious groups, particularly of minority groups, and the contribution of such stereotypes to disrespect and discrimination. The United States shares concerns about the impact of negative stereotypes, and believes that such stereotyping, particularly when promoted by community, religious, or government leaders, contributes to disrespect, discrimination, and in some cases, to violence.

In his June 4, 2009 speech in Cairo, President Obama stressed that the United States must fight against the negative stereotyping of religion when he stated, “I consider it part of my responsibility as President of the United States to fight against negative stereotypes of Islam wherever they occur.” The United States

believes that States have the tools to fight these problems at their disposal, and that the best way for governments to address these issues is to develop effective legal regimes to address acts of discrimination and bias-inspired crime; to condemn hateful ideology and proactively reach out to all religious communities, especially minority groups; and to vigorously defend the rights of individuals to practice their religion freely and exercise their freedom of expression.

Combat Discrimination through Effective Legal Regimes

The United States believes it is important for governments to have effective legal regimes in place to deal with acts of discrimination. The U.S. Department of Justice, for example, is the primary institution responsible for enforcing federal statutes that prohibit discrimination on the basis of protected categories, such as race, national origin, and religion, and enforces several criminal statutes that prohibit acts of violence and intimidation on these grounds. The Department actively prosecutes bias-inspired crimes to the fullest extent of federal law, which allows these crimes to be singled out for especially severe punishment.

For example, after September 11, 2001, the Justice Department implemented an initiative to combat “backlash” crimes involving violence and threats at individuals who are or who are perceived to be Arab, Muslim, Sikh, or South Asian. In its Backlash Initiative, the Department has investigated more than 700 bias motivated incidents since September 11, 2001. The Department has obtained 34 federal convictions in such cases. It has also assisted local law enforcement in bringing more than 160 such criminal prosecutions. This Initiative has led to numerous prosecutions involving physical assaults, some minor and some involving dangerous weapons and resulting in serious injury or death, as well as threats made over the telephone, on the internet, through the mail, and in face-to-face interactions. The Department has also prosecuted cases involving shootings, bombings, and vandalism directed at homes, businesses, and places of worship.

Similarly, religion is protected in almost all of the United States civil rights

statutes enforced by the Department of Justice, including the 1964 Civil Rights Act, which prohibits religious discrimination in employment, public accommodations, and other sectors. The Department of Justice has worked diligently to ensure proper enforcement of these protections, bringing cases of religious discrimination in all the areas assigned to its jurisdiction. For example, the Department has actively enforced the land-use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA). RLUIPA, passed by Congress in 2000, protects houses of worship from discriminatory or unjustifiably burdensome zoning regulation.

Condemn Hateful Ideology and Outreach to Affected Groups

To complement legal safeguards, the United States works actively to promote a climate of respect and understanding, and deplores statements intended to insult religious groups or beliefs. This commitment extends throughout the Executive branch, and includes the many programs and policies in place in the Departments of Justice, Homeland Security, and State to combat discrimination based on such grounds as race, ethnicity, and religion, by supporting national and international efforts to promote education, respect, and understanding.

Since 2001, for example, the Department of Justice's Community Relations Service (CRS) has held over 250 town and community meetings around the country to address backlash-related issues, and deployed conflict resolution specialists to over 50 communities to alleviate tensions. Likewise, based on feedback and input from the Arab, Muslim, Sikh, South Asian, and Middle Eastern American communities, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties developed training specifically to improve the cultural competency of DHS personnel.

We also encourage civil society actors, including religious groups, to participate in interfaith dialogue and service projects, education efforts, and alliance-building with domestic and international religious groups and influential leaders to foster understanding within and among communities and to promote conflict

prevention. For example, understanding the important role of civil society in the promotion of these core values, the President expanded the mandate of the Office of Faith-based and Neighborhood Partnerships to work with domestic religious communities to foster interfaith dialogue with leaders and scholars around the world.

Vigorously Defend the Freedoms of Religion, Belief, and Expression

Among the founding principles of the United States is that government should make no law prohibiting the freedom of religion, or abridging the freedom of speech. We strongly believe that protecting freedom of religion and freedom of expression promotes mutual respect and pluralism, and is essential to human dignity, robust civil society, and political and economic development. We firmly believe that all people should be free to choose and practice their faith based upon the persuasion of the mind and heart. Religion, and the freedom of religion, plays an important societal role in many countries, including our own, and is also crucial to the creation of tolerant and respectful societies in which negative stereotypes will carry little weight or meaning.

As a result of our strong protections on freedom of religion, to give just one example, the U.S. Department of Justice won the right of a Muslim school bus driver to have his schedule adjusted so that he could attend Friday prayers. And as a result of our strong protections on speech, for example, U.S. courts have upheld the rights of Neo-Nazis, holocaust deniers, and white supremacist groups to march in public, distribute literature, and attempt to convince others of their cause. We are strongly convinced that such hatred withers in the face of public scrutiny, and that government censorship, or prohibitions of speech based on stereotypical and/or intolerant content, will only force hateful ideology to find new and alternative fora in which to manifest itself.

As President Obama stated in Cairo, "Suppressing ideas never succeeds in making them go away." Rather than seek restrictions to expression to deal with intolerance and stereotyping, the United States advocates for more robust

governmental outreach policies with respect to racial, ethnic, and religious groups, such as those outlined above, as well as the enforcement of appropriate legal regimes that deal with discriminatory acts and hate crimes.

The President has sought a new beginning between the United States and Muslims around the world, and seeks to collaborate with proponents of this resolution, and with any country that wishes to join us, in an effort to address concerns of stereotyping, discrimination, and violence. In President Obama's words, "Our problems must be dealt with through partnership; our progress must be shared."